

**Applicant:** Adjakple et al.  
**Application No.:** 10/675,639

**REMARKS/ARGUMENTS**

Claims 1-33 are currently pending in this application. Claims 16-29 have been amended to more accurately describe the invention. Applicants submit that no new matter has been introduced into the application by these amendments.

**Allowable Subject Matter**

The Examiner is thanked for indicating that claims 4-11 and 18-25 contain allowable subject matter.

**Claim Objections**

The Examiner objected to claims 16-19 because of the improper word "invention". Applicants have amended the claims to recite a "receiver." The withdrawal of the objection to the claims 16-19 is respectfully requested.

The Examiner objected to claims 4-11 and 18-25 because they are dependent upon a rejected base claim. Applicants believe the base claims are allowable as the presently in view of the remarks and arguments made below. The withdrawal of the objection to the claims 4-11 and 18-25 is respectfully requested.

**Claim Rejections - 35 USC §103**

Claims 1-3, 15-17, and 30-33 stand rejected under 35 USC §103(a) as being unpatentable over to Agrawal (U.S. Patent No. 6,748,234B1) in view of Briere (U.S. Patent No. 6,212,386).

Claims 12-24, and 26-29 stand rejected under 35 USC §103(a) as being unpatentable over to Agrawal in view of Briere and in further view of well known prior art (MPEP 2144.03).

Agrawal discloses a method for power control in a wireless communication system, wherein transmissions in the system use a composite transport channel having a plurality of transport channels. The method according to Agrawal includes receiving data streams via the plurality of transport channels, determining an individual quality threshold for each of the plurality of transport channels, and determining a composite quality threshold for the composite transport channel, wherein the composite quality threshold is equal to a maximum of the individual quality thresholds. The process of determining an individual quality threshold for each of the channels can be resource intensive, as some channels will be unused. Applicants' claims disclose a method to reduce the amount of resources necessary by implementing a method to measure only one channel, namely a reference channel. Agrawal fails to disclose an efficient method of controlling error measurement where only one of a plurality of channels monitored, which thereby saves system resources. Thus, Agrawal fails to disclose any of the claimed limitations of claim 1: selecting a reference channel for error measurement, monitoring the reference channel for ON or OFF state, selecting a different reference channel.

Briere discloses a method for assigning frequencies to transceivers in cells of a cellular system. Communications quality related measurements are made on the uplink and downlink. The frequencies upon which downlink interference measurements are to be made are selected and specified for implementation using

mobile station mobile assisted hand-off functionality. The quality related measurements are filtered, and are then evaluated to identify potential candidates for reallocation. When the measured downlink quality on a selected frequency is lower than a threshold and is worse than measured uplink quality, then a better quality candidate is searched for and selected to replace the selected frequency. According to Briere, the mobile station then initiates a hand-off procedure and begins communicating on the other frequency. Thus, Briere discloses a method of selecting a transmit frequency for communication, but does not teach selecting one of a plurality of multiplexed channels to use as a reference channel for error rate measurement.

Claims 1 and 15 of the present application recite a method for monitoring a composite channel on which a plurality of channels are multiplexed, wherein an error rate measurement is performed on received signals on a reference channel selected from the plurality of multiplexed channels for use in selectively controlling transmission of the composite channel. In contrast with the cited art, the claimed method includes selecting a channel from the plurality of multiplexed channels as the reference channel initially used for error rate measurement. The advantage to this approach over the cited references is that it avoids the excessive use of system resources to monitor more channels than may be necessary while achieving accurate results. (Paragraph [0006]) The reference channel is then monitored based

on quantitative data content criteria to determine an ON state when the quantitative data content criteria is met and an OFF state when the quantitative data content criteria is not met. If monitoring of the reference channel reflects an OFF state, the claims then teach selecting a different channel from the plurality of multiplexed channels as the reference channel. In contrast, Briere fails to teach selecting a different reference channel, but rather discloses selecting another *transmit* channel. Also in contrast to the present claims, Agrawal fails to disclose monitoring one of the plurality of channels for measurement. Neither reference alone or in combination teaches or suggests the limitations of claims 1 and 15.

Claims 2-14 and 16-33 are dependent upon claims 1 and 15, which the Applicants believe are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the rejection of claims 1-33 is respectfully requested.

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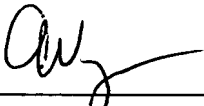
**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 - 33, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Adjakple et al.

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